

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

- - -

Harry G. Beyoglides, Jr.,  
Special Administrator of the  
Estate of Robert Andrew  
Richardson, Sr., Deceased,  
Plaintiff,

vs.

Case No. 3:14-CV-00158

Phil Plummer/Montgomery County  
Sheriff, et al.,  
Defendants

- - -

DEPOSITION OF ANDREW WITTMAN

the Defendant herein, called by the Plaintiff under the  
applicable Rules of Civil Procedure, taken before me,  
Whitney Layne, a Notary Public for the State of Ohio, at  
the law firm of Dinkler & Pregon, 5335 Far Hills Avenue,  
Suite 117, Dayton, Ohio 45429 on November 17, 2015 at  
12:50 p.m.

LAYNE & ASSOCIATES  
6723 COOPERSTONE DRIVE  
DUBLIN, OHIO 43017  
614-309-1669

<p>1 APPEARANCES</p> <p>2</p> <p>3 NICHOLAS DICELLO, ESQUIRE</p> <p>4 SPANGENBERG, SHIBLEY &amp; LIBER</p> <p>5 1001 Lakeside Avenue</p> <p>6 Suite 1700</p> <p>7 Cleveland, Ohio 44114</p> <p>8 on behalf of the Plaintiff</p> <p>9</p> <p>10 JAMEY PREGON, ESQUIRE</p> <p>11 DINKLER &amp; PREGON</p> <p>12 5335 Far Hills Avenue</p> <p>13 Suite 123</p> <p>14 Dayton, Ohio 45429</p> <p>15 on behalf of the Sheriff Defendants</p> <p>16</p> <p>17 CARRIE STARTS, ESQUIRE</p> <p>18 REMINGER CO., LPA</p> <p>19 525 Vine Street</p> <p>20 Suite 1700</p> <p>21 Cincinnati, Ohio 45202</p> <p>22 on behalf of the Defendants</p> <p>23 NaphCare, Inc., Nurse Felicia Foster,</p> <p>24 Nurse Jon Boehringer, Nurse Krisandra Miles, Medic Steven Stockhauser, and Brenda Garrett Ellis, M.D.</p> <p>ANNE M. JAGIELSKI, ESQUIRE</p> <p>ASSISTANT PROSECUTING ATTORNEY</p> <p>301 West Third Street</p> <p>4th Floor</p> <p>Dayton, Ohio 45422</p> <p>on behalf of the Defendant</p> <p>Montgomery County Sheriff's Office</p> <p>Page 2</p>	<p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 ANDREW WITTMAN</p> <p>4 BY MR. DICELLO.....Page 5</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 4</p>
<p>1 November 17, 2015</p> <p>2 Tuesday Session</p> <p>3 12:50 p.m.</p> <p>4 - - -</p> <p>5 STIPULATIONS</p> <p>6</p> <p>7 It is stipulated by and among counsel for the</p> <p>8 respective parties that the deposition of ANDREW WITTMAN,</p> <p>9 the Defendant herein, called by the Plaintiff under the</p> <p>10 applicable Rules of Civil Procedure, may be taken at this</p> <p>11 time by the notary Whitney Layne; that said deposition may</p> <p>12 be reduced to writing in stenotypy by the notary, whose</p> <p>13 notes thereafter may be transcribed out of the presence of</p> <p>14 the witness; and that the proof of the official character</p> <p>15 and qualification of the notary is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 3</p>	<p>1 ANDREW WITTMAN</p> <p>2 Being first duly sworn, as hereinafter</p> <p>3 certified, deposes and says as follows:</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Good afternoon.</p> <p>7 A Hi, how are you?</p> <p>8 Q Good.</p> <p>9 Can you please state your name for the court</p> <p>10 reporter and spell your last name?</p> <p>11 A Yes, I'm Andrew Wittman. Last name is</p> <p>12 W-I-T-T-M-A-N.</p> <p>13 Q Officer Wittman, I'm Nick DiCello. We had a</p> <p>14 chance to meet off the record.</p> <p>15 A Yes, sir.</p> <p>16 Q Have you ever gone through a deposition before?</p> <p>17 A This will be the first.</p> <p>18 Q All right. A couple of ground rules. Whitney</p> <p>19 is taking everything we say down, so that it can be</p> <p>20 printed out into a transcript later.</p> <p>21 A Yes, sir.</p> <p>22 Q So it's important that we don't talk over one</p> <p>23 another so she can get everything down clearly.</p> <p>24 A Yes, sir.</p> <p>Page 5</p>

<p>1       <b>Q</b> You've done a nice job, but your answers need</p> <p>2       to be audible instead of shrugs of the shoulders, uh-huhs,</p> <p>3       huh-uhs, which are hard to take down. So yes, no, or</p> <p>4       words. One of us at the table might remind you of that.</p> <p>5       It's not to be rude. It's just to get an accurate record,</p> <p>6       okay?</p> <p>7       A Understood.</p> <p>8       <b>Q</b> I'll ask the questions, you provide the</p> <p>9       answers.</p> <p>10      A I believe I can do that.</p> <p>11      <b>Q</b> If you don't understand a question that I've</p> <p>12      asked, will you tell me that?</p> <p>13      A Yes, sir.</p> <p>14      <b>Q</b> Given that request that I have of you, if you</p> <p>15      answer a question I've asked, I'm going to assume you</p> <p>16      understood it. Is that fair?</p> <p>17      A Yes, sir.</p> <p>18      <b>Q</b> Do you understand you're under oath today?</p> <p>19      A Yes, sir.</p> <p>20      <b>Q</b> The oath you're under today would be the same</p> <p>21      kind of oath that you would be under at the trial of this</p> <p>22      matter in a courtroom in front of a jury. Do you</p> <p>23      understand that?</p> <p>24      A I do.</p> <p style="text-align: right;">Page 6</p>	<p>1       training. About a year and eight months. It took six</p> <p>2       months to finish the police academy, so I finished that</p> <p>3       while I was hired as a CO. They offered a test around a</p> <p>4       year and five months for the promotional stages to deputy.</p> <p>5       I took it. I passed. And I was promoted in March of 2013</p> <p>6       as a Montgomery County Sheriff's deputy.</p> <p>7       <b>Q</b> Okay.</p> <p>8       MR. DICELLO: Can we go off the record one</p> <p>9       minute?</p> <p>10      (Discussion held off the record.)</p> <p>11      BY MR. DICELLO:</p> <p>12      <b>Q</b> So help me understand. You were working at the</p> <p>13      Montgomery County Jail from when to when?</p> <p>14      A Okay, I apologize.</p> <p>15      <b>Q</b> No, you had it. Just make it easier.</p> <p>16      A I believe it was June of 2011 until March 2013.</p> <p>17      I think it comes out to be about a year and eight months.</p> <p>18      <b>Q</b> All right.</p> <p>19      A A year and eight months give or take.</p> <p>20      <b>Q</b> In June of 2011, how old were you, Officer?</p> <p>21      A 23, I believe. I'm not good at math. So I</p> <p>22      would have to -- 23, 24.</p> <p>23      <b>Q</b> Are you from this area?</p> <p>24      A I grew up in Englewood/Clayton area.</p> <p style="text-align: right;">Page 8</p>
<p>1       <b>Q</b> We are here today in connection with Mr. Robert</p> <p>2       Richardson's death at the Montgomery County Jail back in</p> <p>3       2012. Do you understand that is the purpose of today's</p> <p>4       deposition?</p> <p>5       A Yes, sir.</p> <p>6       <b>Q</b> And do you know that I will be relying on the</p> <p>7       accuracy of your answers today in connection with this</p> <p>8       lawsuit?</p> <p>9       A I do, sir, yes.</p> <p>10      <b>Q</b> I should probably -- It's probably obvious to</p> <p>11      you, but I represent the family of Robert Richardson. You</p> <p>12      understand that?</p> <p>13      A Yes, sir.</p> <p>14      <b>Q</b> Got it. So it looks to me like you might be on</p> <p>15      road patrol now?</p> <p>16      A Yes, sir.</p> <p>17      <b>Q</b> Why don't you tell me a little bit about when</p> <p>18      you started as a corrections officer with the county and</p> <p>19      then when you left to be -- it looks like you're a deputy</p> <p>20      sheriff now?</p> <p>21      A Yes, sir. I was hired in I believe it was June</p> <p>22      or July of 2011 as a corrections officer. I did that for</p> <p>23      about a year and eight months. While I was a CO, I was</p> <p>24      also attending the Sinclair Police Academy peace officer</p> <p style="text-align: right;">Page 7</p>	<p>1       <b>Q</b> And when did you graduate high school?</p> <p>2       A 2006.</p> <p>3       <b>Q</b> Any formal education? You've told me about the</p> <p>4       piece officer training you've had. But any formal</p> <p>5       education after high school?</p> <p>6       A Yes. I completed my junior year of college</p> <p>7       before I decided to go to the police academy. I did not</p> <p>8       graduate college.</p> <p>9       <b>Q</b> Where did you go to college?</p> <p>10      A I went to Sinclair, Wright State, back to</p> <p>11      Sinclair.</p> <p>12      <b>Q</b> Got it.</p> <p>13      A That's Sinclair Community College here in</p> <p>14      Dayton, Ohio.</p> <p>15      <b>Q</b> Uh-huh.</p> <p>16      A And Wright State in Fairborn slash Beavercreek.</p> <p>17      <b>Q</b> Sounds to me like you wanted to pursue a career</p> <p>18      in law enforcement.</p> <p>19      A Yes.</p> <p>20      <b>Q</b> Can you maybe give me some insight as to the</p> <p>21      reasons why you chose such a career?</p> <p>22      A Childhood. I think every -- every boy at some</p> <p>23      point wants to be a police officer. I have no family</p> <p>24      background in police officer or any law enforcement. It's</p> <p style="text-align: right;">Page 9</p>

<p>1 just something I was interested in. I like the fact that</p> <p>2 you're not doing the same thing over and over. I mean,</p> <p>3 you kind of are, but everyday is different. You're not --</p> <p>4 You're not put in like a desk job and you don't have to</p> <p>5 attend that desk job for 30 years. So I like the movement</p> <p>6 and the freedom of being able to move. So I think that</p> <p>7 more so is the reason I chose to be a police officer.</p> <p>8 <b>Q Okay.</b></p> <p>9 A Really no, no reason.</p> <p>10 <b>Q Yeah.</b></p> <p>11 A Just was interesting.</p> <p>12 <b>Q Sounds like good reasons.</b></p> <p>13 <b>So we're obviously here about the incident</b></p> <p>14 <b>involving Robert Richardson. And I've had the chance to</b></p> <p>15 <b>take two depositions already of some former fellow</b></p> <p>16 <b>corrections officers, Dustin Johnson and Officer Mayes.</b></p> <p>17 <b>Do you remember working with either of those two</b></p> <p>18 <b>gentlemen?</b></p> <p>19 A Yes, sir.</p> <p>20 <b>Q As of May 2012, what shift -- May 19th to be</b></p> <p>21 <b>specific, and it was a Saturday just to remind you, what</b></p> <p>22 <b>shift were you assigned to that day? Do you remember?</b></p> <p>23 A This was the day of the incident; right?</p> <p>24 <b>Q Yes.</b></p> <p style="text-align: right;">Page 10</p>	<p>1 A Yes, sir. I was -- I believe I was assigned to</p> <p>2 the third floor that day. That's like our rollover side</p> <p>3 for more -- for the criminals that have more of a serious</p> <p>4 charge, or for the inmates that don't get along with</p> <p>5 staff. So it's not a pod setting, it's like the old</p> <p>6 fashion behind-the-bars setting.</p> <p>7 <b>Q And the difference is with a pod setting the</b></p> <p>8 <b>detainees are getting a little more freedom of movement?</b></p> <p>9 A Yes, sir. They're in a two-man cell, but they</p> <p>10 per shift get about an hour or more, depending on what the</p> <p>11 officer feels appropriate, of rec, in which case they'll</p> <p>12 let, per policy, one level out at a time, in policies for</p> <p>13 inmate-to-officer ratio.</p> <p>14 <b>Q The folks that are in the Montgomery County</b></p> <p>15 <b>Jail on any given weekend, the majority of these folks are</b></p> <p>16 <b>people that have not been convicted of a crime yet;</b></p> <p>17 <b>correct?</b></p> <p>18 A And you're talking about the inmates? So yes.</p> <p>19 Some of them could or have been to trial and/or pled</p> <p>20 guilty, and some of them are awaiting their -- their day</p> <p>21 in court.</p> <p>22 <b>Q Okay.</b></p> <p>23 A Yes, sir.</p> <p>24 <b>Q So you said you were stationed on the third</b></p> <p style="text-align: right;">Page 12</p>
<p>1 A I was assigned to third watch. However, I</p> <p>2 believe I was working overtime that day. So I was working</p> <p>3 second watch into third watch. I was working both shifts</p> <p>4 that day.</p> <p>5 <b>Q So what time would you have reported to work</b></p> <p>6 <b>and what time would your double shift have ended?</b></p> <p>7 A Yes, sir. I reported to work that morning at</p> <p>8 7:30. That's when second watch began. And that watch</p> <p>9 ends at 3:30. And that's what time third watch begins.</p> <p>10 So I would -- at 3:30, I would start my third watch</p> <p>11 duties, and that lasted until 11:30. Or 23:30 is how we</p> <p>12 --</p> <p>13 <b>Q Yep.</b></p> <p>14 <b>What did you do to prepare, if anything,</b></p> <p>15 <b>Deputy, to prepare for today's deposition?</b></p> <p>16 A I read over my report. And we're always taught</p> <p>17 what you put in a report is what happened and what's not</p> <p>18 in there didn't happen. So that's how I prepared, just</p> <p>19 looking over reports.</p> <p>20 <b>Q Did you review the video footage?</b></p> <p>21 A Yes, sir, I did review the video.</p> <p>22 <b>Q So let's talk about the 7:30 a.m. to 3:30 p.m.</b></p> <p>23 <b>shift on Saturday, May 19th. What position or duty were</b></p> <p>24 <b>you assigned to that day?</b></p> <p style="text-align: right;">Page 11</p>	<p>1 <b>floor. Was this like a third floor patrol or watch</b></p> <p>2 <b>position?</b></p> <p>3 A Yeah. So we have different categories in the</p> <p>4 jail. You've got your pod side, which is your nonserious</p> <p>5 offenders, and you've got your rollover side, which is</p> <p>6 your more serious offenders. And I was stationed on the</p> <p>7 pod -- or excuse me, the rollover side and third floor.</p> <p>8 So basically, I'm not -- In a pod setting, the officer</p> <p>9 stays at their commander and inmates can come up to them</p> <p>10 freely and ask questions, whatever it maybe, about court</p> <p>11 or, you know, things, rules of the jail, stuff like that.</p> <p>12 And then whereas when I'm on the rollover side, I don't --</p> <p>13 inmates don't have that ability. I have to do half hour</p> <p>14 to hour checks where we walk around what we call the</p> <p>15 catwalk and we check on all the inmates's needs and health</p> <p>16 and make sure that they're -- you know, everyone is safe</p> <p>17 and answer any questions that they may have.</p> <p>18 So the difference is inmates can come up to you</p> <p>19 in a pod, ask you the questions, and ask for whatever</p> <p>20 needs they may have, whereas on the rollover side I</p> <p>21 basically have to go to them to find out what their needs</p> <p>22 may be.</p> <p>23 <b>Q Okay. Independent from reviewing the narrative</b></p> <p>24 <b>statement and watching the video, do you have a memory in</b></p> <p style="text-align: right;">Page 13</p>

<p>1 <b>your own mind's eye of the incident involving Robert</b>  2 <b>Richardson?</b>  3 A For the most part, yeah, I -- I feel like I  4 have a pretty good memory. It happened a couple years  5 ago, so some of it is faded. But I think for the more  6 important aspect I do, yes.  7 <b>Q Prior to this encounter on May 19th, 2012, had</b>  8 <b>you ever come into contact as far as you know with</b>  9 <b>Mr. Richardson?</b>  10 A I don't recall. Working at the jail, we see --  11 you know, we're accountable for nine hundred some inmates.  12 So obviously, if I have an issue with an inmate, they may  13 stick out more in my mind more so than, let's say,  14 Mr. Richardson, who I don't ever recall having an  15 encounter with.  16 <b>Q Do you remember what Mr. Richardson looked</b>  17 <b>like?</b>  18 A You know, no, I don't even -- I couldn't even  19 tell you what he looked like, other than the color of his  20 skin and the size he was.  21 <b>Q How would you describe his size?</b>  22 A He was a large man. I'd say somewhere near 300  23 pound range.  24 <b>Q What is your height and weight?</b></p> <p style="text-align: right;">Page 14</p>	<p>1 time of turning in my keys and giving the next watch  2 officer the pass-ons, I saw that for the next watch, the  3 third watch I was assigned to, I believe it was escort or  4 dressing, which is dressing slash escort, which means all  5 the inmates that have come in within the last 24 hours,  6 they've been booked in, now we have to assign them to a  7 housing unit. And I was assigned to that.  8 So I'm finding out where I'm assigned to. And  9 as I'm doing all of this, I remember a radio call, and I  10 can't recall if it was for a medical issue or a  11 disturbance, I can't recall the radio traffic, however I  12 knew it was -- it sounded serious, so I dropped what I was  13 doing and responded to Delta Pod. D Pod. We call it  14 Delta Pod.  15 <b>Q As of the time you responded, when you first</b>  16 <b>arrived, what position was Mr. Richardson in?</b>  17 A When I arrived, Mr. Richardson had already --  18 he was already on the ground with other inmates -- or  19 excuse me, with other officers. It looked like they were  20 trying to control him. Because when they opened the door,  21 -- when they opened the door per radio traffic, he became  22 uncooperative. So they wanted to secure him in cuffs.  23 And they put him on the ground to do that. So -- For  24 safety reasons.</p> <p style="text-align: right;">Page 16</p>
<p>1 A I'm five-six. Right now, I'm 180. At the  2 time, I would have been about 167. I was more fit then,  3 unfortunately.  4 <b>Q Seems to be a trend.</b>  5 A That's what happens when you have a family.  6 <b>Q Yeah.</b>  7 A So --  8 <b>Q I'll ask you what you remember in a minute.</b>  9 <b>How do you remember being alerted to a situation on the D</b>  10 <b>Pod?</b>  11 A At the time of the incident?  12 <b>Q Yeah. How did you become aware of what was</b>  13 <b>happening?</b>  14 A So around 3:15, between 3:15 and 3:30, whenever  15 you can get your floor shut down and rolled over for the  16 next watch, I went down to the platform to turn in my  17 third watch key so that the next officer can grab those  18 keys. And we have a key box that we -- we lock them up  19 in, and you have to have a punch code to get into it, and  20 it keeps track of who has those keys, so that if -- so I  21 went to go do that. And also give pass-ons, basically,  22 was there any kind of incidents on the floor or anything  23 that the next officer needed to know so they could be  24 prepared for their watch on that floor. So around that</p> <p style="text-align: right;">Page 15</p>	<p>1 <b>Q So when you arrived, was Mr. Richardson already</b>  2 <b>handcuffed?</b>  3 A I don't remember if he was already handcuffed  4 or if they were in the process of handcuffing him. I know  5 that he was a bigger guy, so one set of handcuffs wasn't  6 going to do it. So I know whenever we -- when we deal  7 with a situation with a bigger guy, it takes a little  8 longer to handcuff them. So he was either handcuffed or  9 in the process of being handcuffed. I had a pretty good  10 response time if I remember correctly. But it wasn't in  11 enough time to get up there to help. Because it happened  12 on the upper level. I apologize.  13 <b>Q You anticipated my next question. Did you</b>  14 <b>assist in handcuffing Mr. Richardson?</b>  15 A No, sir.  16 <b>Q When you arrived, what other corrections</b>  17 <b>officers were present; do you remember?</b>  18 A I know Sergeant Jackson was up there. Officer  19 Benjamin, I think her first name is Tonya, I believe  20 Officer Dustin Johnson. Those are the ones I can remember  21 off the top of my head. I couldn't tell you who all was  22 up there dealing with the situation.  23 <b>Q Were there others, you just can't remember</b>  24 <b>them?</b></p> <p style="text-align: right;">Page 17</p>

<p>1 A I'm sure there were. There were a couple.</p> <p>2 Like I said, he was a large man, so it was -- and the</p> <p>3 people that responded, we weren't big enough to control</p> <p>4 him with one officer, you know. So it had to be multiple.</p> <p>5 <b>Q At the time you arrived on the upper floor of</b></p> <p>6 <b>the D Pod, do you remember hearing Mr. Richardson saying</b></p> <p>7 <b>anything?</b></p> <p>8 A So when I entered D Pod, per policy, one of our</p> <p>9 officers has to stay at the commander, that's the desk</p> <p>10 that the officer would sit at while they're working their</p> <p>11 shift, and we control all the doors to the pod except the</p> <p>12 entrance to the pod, that would be security control. And</p> <p>13 if I remember correctly, when I got there, that's where I</p> <p>14 stationed up for at that moment. So when they were</p> <p>15 struggling with Mr. Richardson on the top range, he -- I</p> <p>16 think I put in my report that he said something like, to</p> <p>17 the extent of "Get the fuck off of me." Obviously, it was</p> <p>18 in a loud more like demanding voice. And that's what I</p> <p>19 recall.</p> <p>20 <b>Q Do you recall him saying anything else when you</b></p> <p>21 <b>arrived?</b></p> <p>22 A I'd have to look at my report. But I believe</p> <p>23 that's the extent of what I heard.</p> <p>24 <b>Q Did you hear any of the corrections officers</b></p> <p style="text-align: right;">Page 18</p>	<p>1 have been Sergeant Lewis. I do remember at that point</p> <p>2 both of them were on scene.</p> <p>3 <b>Q So we're walking through this kind of</b></p> <p>4 <b>chronologically, and this is helpful for me. Can you</b></p> <p>5 <b>estimate how long it was you were at the commander before</b></p> <p>6 <b>you went upstairs?</b></p> <p>7 A No more than a minute or two. We were all --</p> <p>8 there were still people responding to the incident by the</p> <p>9 time I got there. Again, some of those people that might</p> <p>10 not have been there when I had gotten there were probably</p> <p>11 trying to put keys away or get keys and then respond as</p> <p>12 quickly as possible, especially since the circumstance</p> <p>13 elevated.</p> <p>14 <b>Q So when you got upstairs, tell me what you</b></p> <p>15 <b>remember seeing.</b></p> <p>16 A Mr. Richardson, I believe Mr. Richardson was on</p> <p>17 his belly, he had been cuffed. And if I recall, I believe</p> <p>18 there was even a little bit of blood coming from his</p> <p>19 mouth. Officers were still restraining --</p> <p>20 (Discussion held off the record.)</p> <p>21 A So even though he was cuffed, he was still</p> <p>22 struggling and kicking his feet. So they had officers</p> <p>23 trying to control both arms and both legs, so we could try</p> <p>24 to figure out what we were going to do with him as with</p> <p style="text-align: right;">Page 20</p>
<p>1 <b>saying anything upstairs?</b></p> <p>2 A Yeah, because he was resisting, so they were</p> <p>3 trying to command him, "Hey, stop resisting," and to put</p> <p>4 his hands behind his back.</p> <p>5 <b>Q Did you at some point go upstairs or did you</b></p> <p>6 <b>stay at the control station?</b></p> <p>7 A Yes. Sorry, I don't mean --</p> <p>8 <b>Q That's okay.</b></p> <p>9 A Yes. At some point, I'm at the commander. And</p> <p>10 while I'm at the commander, one of the sergeants calls for</p> <p>11 the restraint chair so we can figure out what is going on</p> <p>12 with Mr. Richardson. And at that point, because this was</p> <p>13 on the upper level and they were struggling with him on</p> <p>14 the ground, we weren't sure if we were going to try to</p> <p>15 bring the restraint chair up top and restrain him and</p> <p>16 carry it down, or if we were going to try to assist</p> <p>17 Mr. Richardson down. Being that the restraint chair is</p> <p>18 fairly heavy and Mr. Richardson appeared to look like he</p> <p>19 might have been pretty heavy, I ended up going up top to</p> <p>20 see if sergeant needed me to assist with whatever they</p> <p>21 chose to do.</p> <p>22 <b>Q Okay. What sergeant do you remember reporting</b></p> <p>23 <b>to up top?</b></p> <p>24 A I believe it was Sergeant Jackson. It could</p> <p style="text-align: right;">Page 19</p>	<p>1 the restraint chair, if we were going to restrain him, or</p> <p>2 what we were going to do at that point. I don't know what</p> <p>3 we decided.</p> <p>4 BY MR. DICELLO:</p> <p>5 <b>Q When you got up there, did anybody instruct you</b></p> <p>6 <b>what to do?</b></p> <p>7 A No. At that point, I'm trying to figure out,</p> <p>8 I'm just trying to ask sergeant, "Hey, do you want me to</p> <p>9 carry that restraint chair up," or "Hey, are we going to</p> <p>10 try to get Mr. Richardson down?"</p> <p>11 <b>Q And do you know what the answer was?</b></p> <p>12 A I do not remember. I apologize.</p> <p>13 <b>Q What did you do?</b></p> <p>14 A I basically stood by until someone told me what</p> <p>15 to do. I also offered, because of what was going on on</p> <p>16 the ground, people were starting to sweat and, when you're</p> <p>17 trying to restrain someone that is resisting, I mean, it</p> <p>18 can get tiresome. So I was also standing by, "Hey, do you</p> <p>19 guys need any help being relieved?" So I was standing by</p> <p>20 for that.</p> <p>21 <b>Q Did you relieve anyone at some point?</b></p> <p>22 A At some point, but it was later on down -- down</p> <p>23 the incident.</p> <p>24 <b>Q So we'll get to that. As of the time you</b></p> <p style="text-align: right;">Page 21</p>

<p>1 respond upstairs and you could actually see Mr. Richardson</p> <p>2 and see the surrounding circumstances, I want to focus on</p> <p>3 that point in time.</p> <p>4 A Yes, sir.</p> <p>5 Q As of the time you were upstairs and you could</p> <p>6 see Mr. Richardson, you knew that Mr. Richardson was not</p> <p>7 armed; correct?</p> <p>8 A Yes, sir.</p> <p>9 MR. PREGON: Objection.</p> <p>10 BY MR. DICELLO:</p> <p>11 Q And you knew he was handcuffed; true?</p> <p>12 A Yes, sir.</p> <p>13 Q He was on his belly; correct?</p> <p>14 A Yes, sir, at that time he was.</p> <p>15 Q There were numerous officers controlling his --</p> <p>16 I think you said both his arms and both his legs; correct?</p> <p>17 A Yes.</p> <p>18 Q You described him as a larger man at the time</p> <p>19 that you responded upstairs. Did you appreciate that he</p> <p>20 was obese?</p> <p>21 A What do you mean by "appreciate"?</p> <p>22 Q Did you understand that he was obese?</p> <p>23 A Yes, sir. With that being said, there was no</p> <p>24 way I would have been able to handle him by myself.</p> <p style="text-align: right;">Page 22</p>	<p>1 mouth?</p> <p>2 A Yes, sir.</p> <p>3 Q Could you see any kind of, they call it sputum,</p> <p>4 but kind of like spit or any froth coming from his mouth</p> <p>5 at all?</p> <p>6 A If I remember correctly, I did see blood on the</p> <p>7 ground. And that's another kind of -- the reason we kept</p> <p>8 him on his side, was just in case he got up, we didn't</p> <p>9 want him to spit on us. It's just officer safety. So but</p> <p>10 I do remember seeing blood on the ground. Whether it was</p> <p>11 spit or if it was just like drool, I can't recall. It was</p> <p>12 really close to his mouth and his head was facing to the</p> <p>13 left, and on the ground.</p> <p>14 Q Was he struggling?</p> <p>15 A Yes. Well, resisting.</p> <p>16 Q Okay.</p> <p>17 A He didn't want to be in that position, I'll say</p> <p>18 that.</p> <p>19 Q Was it your understanding that he needed some</p> <p>20 kind of medical attention at that point in time,</p> <p>21 Mr. Richardson?</p> <p>22 A At that point in time, I didn't know whether it</p> <p>23 was medical or if he just became an uncooperative inmate.</p> <p>24 Like I said, I don't recall what the radio call was. I</p> <p style="text-align: right;">Page 24</p>
<p>1 Q Fair enough.</p> <p>2 You had heard him say at least once, excuse the</p> <p>3 language, but "Get the fuck off of me"; correct?</p> <p>4 A Yes, sir.</p> <p>5 Q Did you have an understanding that</p> <p>6 Mr. Richardson was trying to get up off the ground?</p> <p>7 A Yes, sir.</p> <p>8 Q Go ahead.</p> <p>9 A And to do what, I have no idea.</p> <p>10 Q Okay.</p> <p>11 A Being in a jail setting, we deal with people</p> <p>12 that do become uncooperative. And if we let them get up,</p> <p>13 they're trying to fight us. Handcuffed or not. I've had</p> <p>14 incidents where I've had an inmate cuffed behind his back</p> <p>15 and he's come at me trying to fight me and headbutt me.</p> <p>16 So that's how we think in that setting.</p> <p>17 Q Sure. Did you ever see his eyes?</p> <p>18 A You know, I think I saw the blood and that's</p> <p>19 where my eyes were drawn to.</p> <p>20 Q Okay.</p> <p>21 A So no, I don't recall ever looking at his eyes,</p> <p>22 sir.</p> <p>23 Q So as of the time that you responded upstairs,</p> <p>24 did you see that there was some blood coming from his</p> <p style="text-align: right;">Page 23</p>	<p>1 just remember at some point it became an uncooperative</p> <p>2 inmate.</p> <p>3 Q Well, let me -- This is Plaintiff's Exhibit 1</p> <p>4 we've been using. And if you go to MC 1283, I think that</p> <p>5 should be your narrative. But confirm that it is. Report</p> <p>6 Officer number 1163. Is that you?</p> <p>7 A That's my unit number.</p> <p>8 Q So in the first paragraph, the last sentence, I</p> <p>9 guess that's just -- yeah, the second sentence there, that</p> <p>10 "radioed for available units to respond to D Pod, cell</p> <p>11 544, for an unknown medical issue." Does that refresh</p> <p>12 your recollection as to the reason people were summoned?</p> <p>13 A Yeah. And you know, our supervisors review</p> <p>14 these reports and they'll -- and they will correct like</p> <p>15 any like, what's the word I'm looking for, any kind of</p> <p>16 errors we have. And like I said, I don't remember if the</p> <p>17 radio call came out as an unknown medical issue or a</p> <p>18 disturbance. However, whatever the radio traffic was,</p> <p>19 another radio traffic call came out saying that it was</p> <p>20 uncooperative. So at some point, it was changed. And</p> <p>21 that changes in how we respond, too.</p> <p>22 Q So when you responded, do you know whether you</p> <p>23 were responding to a medical call or not?</p> <p>24 A When I got to the pod, I knew I was responding</p> <p style="text-align: right;">Page 25</p>



1 to an uncooperative male.

2 **Q Okay. So as of the time you responded, did you**

3 **know whether or not the -- Mr. Richardson needed medical**

4 **attention?**

5 A I did not know. In fact, if I remember

6 correctly, when we responded as a group, I don't remember

7 or recollect seeing medical there at the time. And

8 usually, when a medical call comes out, medical usually

9 responds right away. So our response time was pretty

10 quick. And they were going through shift change as well,

11 which could also have hindered their response time. So

12 that's why I can't recall if it was a medical at first and

13 then changed to an uncooperative.

14 **Q Did Mr. Richardson appear disoriented to you or**

15 **could you not tell?**

16 A I could not tell, sir.

17 **Q All right.**

18 A With the struggle on the ground, you're just

19 trying to, one, protect yourself, two, protect the other

20 officers, and I don't believe there were, but other

21 inmates if they were out. And they weren't. So right now

22 we're trying to protect each other and ourselves.

23 **Q Did you see Mr. Richardson try to assault**

24 **anyone?**

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1 A I did not, sir.

2 **Q Do you know if Mr. Richardson assaulted anyone?**

3 A Not that I know of.

4 **Q Did Mr. Richardson ever hurt you?**

5 A No, sir.

6 **Q Did he hurt anyone?**

7 A No, sir.

8 **Q Are you aware of any crime Mr. Richardson was**

9 **committing at that time?**

10 A No, sir.

11 **Q Was he committing any crimes?**

12 A At that time, no, sir.

13 **Q Are you aware of any kind of jail rules that**

14 **Mr. Richardson violated?**

15 MR. PREGON: Objection.

16 Go ahead.

17 A No, I'm not aware of any jail rules that were

18 in violation.

19 BY MR. DICELLO:

20 **Q Did you feel threatened while you were up**

21 **there?**

22 A No. We had enough officers up there I felt

23 like we were containing the resistance, so --

24 **Q As of the time you responded, did you know**

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1 **whether or not Mr. Richardson had any medical history?**

2 A No, sir.

3 **Q Did you know, did anybody up there mention or**

4 **did you otherwise know that there was some concern that**

5 **Mr. Richardson may have suffered a seizure?**

6 A I don't remember anybody talking about a

7 seizure or, for that matter, any medical issue, either.

8 **Q Okay. So you don't remember anybody talking**

9 **about it. And then the other part of my question is you**

10 **weren't thinking in your own mind while you were up there**

11 **Mr. Richardson might be having or coming out of a seizure;**

12 **correct?**

13 A Correct.

14 **Q Did you at some point retrieve the restraint**

15 **chair, or no?**

16 A No, sir. It was brought into the pod, but we

17 did not -- we didn't try to bring it up at all or take him

18 down at all.

19 **Q So did you actually see the restraint chair**

20 **when it was brought into the pod?**

21 A Yes.

22 **Q Where was it?**

23 A I believe it was brought down to the bottom of

24 the stairs.

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1 **Q And it was never brought upstairs?**

2 A No, sir.

3 **Q Yes, that's correct?**

4 A That's correct.

5 **Q Sometimes double negatives --**

6 A Yeah, I apologize.

7 **Q That's all right. You're doing fine.**

8 **Was Mr. Richardson ever permitted to stand up**

9 **from the time that you were there?**

10 A No, sir.

11 **Q The officers prevented him from getting up;**

12 **correct?**

13 A Yes, sir.

14 **Q And they did that by holding him down on the**

15 **ground; correct?**

16 A Yeah, while he was resisting.

17 **Q While you were there, were you there up until**

18 **the time that he passed away?**

19 A At some point, a shot was administered. And I

20 believe the first one wasn't good. The second one they

21 were able to stick him and get whatever it was that was in

22 there into his system. At some point sergeant asked him,

23 asked one of the officers to check his breathing. At one

24 point, one of the officers said, "He's not breathing."

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<p>1 So at that point, they were -- the officers</p> <p>2 that were still on the ground with him turned him over to</p> <p>3 start CPR, and I went down to retrieve the -- well, I</p> <p>4 called for the AED, and I went down and out of the pod to</p> <p>5 go get the AED from the responding officer that was</p> <p>6 bringing the AED, and I was running it back upstairs to</p> <p>7 get it there as quickly as possible.</p> <p>8 <b>Q Throughout the time that you first responded up</b></p> <p>9 <b>until the time that you brought the AED, was</b></p> <p>10 <b>Mr. Richardson ever permitted to sit up?</b></p> <p>11 A No, sir.</p> <p>12 <b>Q It was the officers that held him down and</b></p> <p>13 <b>prevented him from sitting up; correct?</b></p> <p>14 MR. PREGON: Objection.</p> <p>15 Go ahead.</p> <p>16 A Yes, sir.</p> <p>17 BY MR. DICELLO:</p> <p>18 <b>Q Throughout the time that you were there, did</b></p> <p>19 <b>you ever hear anyone instruct any of the officers to get</b></p> <p>20 <b>Mr. Richardson off of his belly?</b></p> <p>21 A I don't recall. I don't recall.</p> <p>22 MR. PREGON: Objection.</p> <p>23 BY MR. DICELLO:</p> <p>24 <b>Q As you sit here today, you don't recall anybody</b></p> <p style="text-align: right;">Page 30</p>	<p>1 was kicking. So I wasn't putting too much pressure on.</p> <p>2 However, I was holding it enough to where if he were to</p> <p>3 try to kick, it wouldn't go nowhere.</p> <p>4 <b>Q What position was Stumpff in before you</b></p> <p>5 <b>relieved him?</b></p> <p>6 A He was basically on his knees and holding the</p> <p>7 left leg with both hands. Left leg slash ankle. I don't</p> <p>8 remember -- one hand was probably on the calf, the other</p> <p>9 on the ankle. Just to keep him from kicking.</p> <p>10 <b>Q And you relieved Stumpff?</b></p> <p>11 A I believe. Do you mind if I check my report?</p> <p>12 <b>Q Yeah, go right ahead. Go right ahead.</b></p> <p>13 A Maybe it was his arm. It was his arm, then. I</p> <p>14 apologize.</p> <p>15 <b>Q That's all right. So left arm?</b></p> <p>16 A Yeah. And I think at some point -- Never mind.</p> <p>17 I don't remember, so I'm not even going to say it.</p> <p>18 <b>Q That's all right. We're asking for your best</b></p> <p>19 <b>recollection today.</b></p> <p>20 A So it would have been his left arm.</p> <p>21 <b>Q So how was Officer Stumpff positioned in</b></p> <p>22 <b>controlling Inmate Richardson's left arm? Tell me about</b></p> <p>23 <b>that. And then tell me how you relieved Stumpff in the</b></p> <p>24 <b>position you were in.</b></p> <p style="text-align: right;">Page 32</p>
<p>1 <b>saying that; correct?</b></p> <p>2 A No, I don't, sir.</p> <p>3 <b>Q Do you ever recall any corrections officers</b></p> <p>4 <b>instructing any of the other officers to sit</b></p> <p>5 <b>Mr. Richardson up?</b></p> <p>6 A No, sir.</p> <p>7 <b>Q Prior to recognizing that Mr. Richardson was no</b></p> <p>8 <b>longer breathing, was Mr. Richardson ever rolled over onto</b></p> <p>9 <b>his back?</b></p> <p>10 A I don't believe he was rolled over onto his</p> <p>11 back. However, he came to his side. I think they helped</p> <p>12 assist him to his side. I don't recall for what reason.</p> <p>13 <b>Q Were there times where he would be rolled onto</b></p> <p>14 <b>his side and then there were other times he was laying</b></p> <p>15 <b>down on his belly?</b></p> <p>16 A I don't recall. I just -- I know that at some</p> <p>17 point he was rolled to his side. I don't remember what</p> <p>18 happened after that. I'm assuming he probably went back</p> <p>19 down to his belly.</p> <p>20 <b>Q Did you ever go hands-on with Mr. Richardson?</b></p> <p>21 A At some point I relieved Officer Stumpff, I</p> <p>22 believe it was, on the left leg. Again, he was kicking</p> <p>23 and resisting for awhile. At the time that I relieved</p> <p>24 Stumpff, it was with the left leg. And I don't believe he</p> <p style="text-align: right;">Page 31</p>	<p>1 A So -- Can I read this real fast?</p> <p>2 <b>Q Please.</b></p> <p>3 A I apologize. Because my memory is kind of --</p> <p>4 <b>Q Go right ahead. That's why we have it here for</b></p> <p>5 <b>you.</b></p> <p>6 A Can you restate your question again?</p> <p>7 <b>Q What position was Stumpff in when he was</b></p> <p>8 <b>controlling Inmate Richardson's left arm; do you remember?</b></p> <p>9 A So he would have been on the ground on his</p> <p>10 knees and controlling the left arm with both -- with both</p> <p>11 hands.</p> <p>12 <b>Q Do you remember where his hands were</b></p> <p>13 <b>positioned?</b></p> <p>14 A Again, I thought it was the leg, but -- so no,</p> <p>15 I don't remember. I don't remember.</p> <p>16 <b>Q Do you remember where you positioned your hands</b></p> <p>17 <b>when you took over for Stumpff?</b></p> <p>18 A Again, I -- With my memory, I thought it was</p> <p>19 his leg, so I couldn't tell you.</p> <p>20 <b>Q All right. At the time you relieved Stumpff,</b></p> <p>21 <b>do you remember there being a corrections officer kneeled</b></p> <p>22 <b>down at or by Mr. Richardson's head?</b></p> <p>23 A Yeah, I believe Officer Mayes was there.</p> <p>24 <b>Q And do you remember where Officer Mayes's hands</b></p> <p style="text-align: right;">Page 33</p>

<p>1 were?</p> <p>2 A No, I don't.</p> <p>3 Q All right.</p> <p>4 A I think at some point Mayes was down there to</p> <p>5 turn him on his side. And I think that's why he was</p> <p>6 positioned that way.</p> <p>7 Q Did you hear Mr. Richardson say anything other</p> <p>8 than the comment you told us about earlier?</p> <p>9 A No, sir. Like I said, when he was resisting,</p> <p>10 we -- I think we've asked him several times -- I think</p> <p>11 somebody asked him several times, "Hey, what's wrong,</p> <p>12 what's going on," so -- where we couldn't get an answer.</p> <p>13 So we really didn't know what to do, and treated it as an</p> <p>14 uncooperative male inmate.</p> <p>15 Q Kind of my next question. What was your</p> <p>16 understanding as to why you were holding Mr. Richardson</p> <p>17 down?</p> <p>18 A Uncooperative inmate.</p> <p>19 Q And what was the plan, just hold him down until</p> <p>20 he started to become cooperative?</p> <p>21 MR. PREGON: Objection.</p> <p>22 Go ahead.</p> <p>23 A You know, I really don't know. At that point,</p> <p>24 we're kind of awaiting sergeant's commands as to what we</p> <p style="text-align: right;">Page 34</p>	<p>1 downstairs and into the chair to figure out again what --</p> <p>2 what was going on. So I think that was the plan the whole</p> <p>3 time.</p> <p>4 Now, the sergeant -- our supervisor is not</p> <p>5 going to sit there and tell us every minute like, "Hey,</p> <p>6 this is what the plan is." But that was the initial plan</p> <p>7 from the moment that we responded, got -- when they had to</p> <p>8 put him down on the ground as an uncooperative.</p> <p>9 BY MR. DICELLO:</p> <p>10 Q I've reviewed a lot of records here and a lot</p> <p>11 of statements, and there's also statements from medical</p> <p>12 people. Did some medical personnel respond as well?</p> <p>13 A Yes, sir. Again, a shot was --</p> <p>14 Q I'm just asking if medical personnel responded.</p> <p>15 A Yes, sir.</p> <p>16 Q We'll take one at a time.</p> <p>17 A I'm just trying to remember.</p> <p>18 Q You're doing fine.</p> <p>19 A I apologize.</p> <p>20 Q That's how people do it sometimes, their memory</p> <p>21 comes back to them.</p> <p>22 A Yeah.</p> <p>23 Q But just stick with me. We'll do it question</p> <p>24 by question.</p> <p style="text-align: right;">Page 36</p>
<p>1 were going to do. Like I said, I still thought we were</p> <p>2 going to be chairing the guy. I know at some point they</p> <p>3 called for a shot, and I believe it was Ativan, to try to</p> <p>4 calm him down, so we could try to find out if medically</p> <p>5 there was something wrong. Then we could place him in a</p> <p>6 restraint chair.</p> <p>7 Sometimes when we get an uncooperative inmate</p> <p>8 that needs medical attention but they won't allow us to</p> <p>9 treat them, we'll chair them so we can assess them to find</p> <p>10 out what is necessary for that inmate. To my</p> <p>11 understanding, that's what we were still doing. Again, I</p> <p>12 was awaiting command from my supervisor.</p> <p>13 BY MR. DICELLO:</p> <p>14 Q And I think you've told us, but your</p> <p>15 supervisors never announced what the plan was; right?</p> <p>16 MR. PREGON: Objection.</p> <p>17 Go ahead.</p> <p>18 A No. Like I said, at some point all of us knew</p> <p>19 we were going to be chairing this guy. Whether it was we</p> <p>20 were going to bring the chair up or take the inmate down,</p> <p>21 we were going to chair the guy to figure out what his</p> <p>22 needs were. However, while all this was going down, I</p> <p>23 know the Ativan shot was ordered while he was laying on</p> <p>24 the ground so that we could finally try to get him</p> <p style="text-align: right;">Page 35</p>	<p>1 A Yes, sir, I will do that.</p> <p>2 Q And do you know whether or not it's common for</p> <p>3 the medical personnel to fill out statements similar to</p> <p>4 the statements that you folks fill out?</p> <p>5 A Yes, sir, they do fill out reports, yes.</p> <p>6 Q One of the medical statements that I read -- Of</p> <p>7 course they refer to Mr. Richardson as a patient; right?</p> <p>8 A Yes, sir.</p> <p>9 Q And you folks refer to him as an inmate?</p> <p>10 A Yes, sir.</p> <p>11 Q Well, one of the reports from one of the</p> <p>12 medical personnel read "Patient was being held down in a</p> <p>13 prone position by several correction officers." And</p> <p>14 that's what was happening; correct?</p> <p>15 MR. PREGON: Objection.</p> <p>16 Go ahead.</p> <p>17 A Prone position. I -- I -- Maybe being an</p> <p>18 officer and not a medical employee, what does "prone"</p> <p>19 mean?</p> <p>20 BY MR. DICELLO:</p> <p>21 Q I told you, I ask the questions, you answer</p> <p>22 them; right? So my question to you is: What do you</p> <p>23 understand "prone" to mean?</p> <p>24 A I don't know. "Prone" sounds bad. I felt like</p> <p style="text-align: right;">Page 37</p>

<p>1 we were controlling an inmate that was uncooperative.</p> <p>2 <b>Q Okay.</b></p> <p>3 A I feel like that statement makes it -- makes it</p> <p>4 look bad. And so -- I don't know what "prone" means in</p> <p>5 this situation.</p> <p>6 <b>Q Have you received training as to what prone</b></p> <p>7 <b>positioning is when you're restraining an inmate?</b></p> <p>8 A No, sir. If we have, it's not called prone</p> <p>9 position.</p> <p>10 <b>Q Have you been trained at all about the risks of</b></p> <p>11 <b>positional asphyxiation? And I want to separate your</b></p> <p>12 <b>training as a police officer, if we can.</b></p> <p>13 A Okay.</p> <p>14 <b>Q And I want to focus on just the training you</b></p> <p>15 <b>had as of the time you were stationed at the jail, okay?</b></p> <p>16 A So --</p> <p>17 <b>Q If you can do that for me.</b></p> <p>18 A So what do you mean by peroneal (sic)</p> <p>19 asphyxiation?</p> <p>20 <b>Q Positional asphyxiation.</b></p> <p>21 A Positional.</p> <p>22 <b>Q Is that a term you've ever heard of?</b></p> <p>23 A I've heard of asphyxiation, but not the term</p> <p>24 you're using.</p> <p style="text-align: right;">Page 38</p>	<p>1 Go ahead.</p> <p>2 A A member of the public, that could be a</p> <p>3 civilian that's not in custody; am I right?</p> <p>4 BY MR. DICELLO:</p> <p>5 <b>Q Right.</b></p> <p>6 A Corrections officers aren't allowed to put</p> <p>7 handcuffs on civilians. They are allowed to on inmates.</p> <p>8 <b>Q Now, inmates are members of our community;</b></p> <p>9 <b>correct?</b></p> <p>10 A Yes, they are.</p> <p>11 <b>Q And they're members of the public; true?</b></p> <p>12 A True.</p> <p>13 <b>Q So when I'm talking about a corrections</b></p> <p>14 <b>officer, I'm limiting it to their official duties and</b></p> <p>15 <b>responsibilities. I'm not talking about a bunch of</b></p> <p>16 <b>corrections officers out at Buffalo Wild Wings or</b></p> <p>17 <b>something, okay?</b></p> <p>18 A Understood.</p> <p>19 <b>Q So in that context, corrections officers must</b></p> <p>20 <b>never apply handcuffs or restraints to a member of the</b></p> <p>21 <b>public in ways that may restrict that person's breathing;</b></p> <p>22 <b>agreed?</b></p> <p>23 MR. PREGON: Objection.</p> <p>24 Go ahead.</p> <p style="text-align: right;">Page 40</p>
<p>1 <b>Q Have you ever been trained that there's a risk</b></p> <p>2 <b>of sudden death when you are restraining a person who is</b></p> <p>3 <b>struggling?</b></p> <p>4 MR. PREGON: Objection.</p> <p>5 Go ahead.</p> <p>6 A Not of sudden death, sir, no. We are trained</p> <p>7 for medical response, uncooperative slash combative</p> <p>8 behavior. I'm sure in training we've been told that</p> <p>9 something could happen to that extent to which we're</p> <p>10 trained to start CPR slash first aid.</p> <p>11 BY MR. DICELLO:</p> <p>12 <b>Q Are there certain positions when you're</b></p> <p>13 <b>restraining people that you've been trained to avoid?</b></p> <p>14 A No. I take that back. Obviously, we don't</p> <p>15 want to -- we don't want the neck and head area,</p> <p>16 basically, that's off limits. So we're trained to not</p> <p>17 restrain or take down anybody in that matter by their neck</p> <p>18 or head.</p> <p>19 <b>Q I want to ask kind of some general rules. You</b></p> <p>20 <b>tell me if you agree, disagree. Correction officers must</b></p> <p>21 <b>never apply restraints, including handcuffs, to a member</b></p> <p>22 <b>of the public in ways that restrict the person's</b></p> <p>23 <b>breathing; agreed?</b></p> <p>24 MR. PREGON: Objection.</p> <p style="text-align: right;">Page 39</p>	<p>1 BY MR. DICELLO:</p> <p>2 <b>Q I mean, that's word for word the policy in the</b></p> <p>3 <b>jail manual that I've just read to you, isn't it?</b></p> <p>4 A I agree with the breathing. But I don't</p> <p>5 understand how when you cuff somebody it could restrict</p> <p>6 their breathing.</p> <p>7 <b>Q So you haven't been trained that there are</b></p> <p>8 <b>certain ways a person can be positioned or cuffed that</b></p> <p>9 <b>could interfere with their breathing; correct?</b></p> <p>10 MR. PREGON: Objection.</p> <p>11 A Correct.</p> <p>12 BY MR. DICELLO:</p> <p>13 <b>Q I know you've had a lot of use of force</b></p> <p>14 <b>training; true?</b></p> <p>15 A Yes, sir.</p> <p>16 <b>Q Both as a corrections officer and now as a</b></p> <p>17 <b>police officer; correct?</b></p> <p>18 A Yes, sir.</p> <p>19 <b>Q Correction officers are only permitted to use</b></p> <p>20 <b>force that is reasonable; correct?</b></p> <p>21 A Yes, sir.</p> <p>22 <b>Q That's the rule; right?</b></p> <p>23 A Yes, sir.</p> <p>24 <b>Q And corrections officers as a rule are only</b></p> <p style="text-align: right;">Page 41</p>

1 permitted to use force that is reasonable and necessary;  
 2 correct?  
 3 A Yes, sir.  
 4 Q So if force is unreasonable, it's excessive;  
 5 true?  
 6 MR. PREGON: Objection.  
 7 A True.  
 8 BY MR. DICELLO:  
 9 Q And if force is unnecessary under the totality  
 10 of the circumstances, that, too, is then excessive force;  
 11 agreed?  
 12 MR. PREGON: Objection.  
 13 Go ahead.  
 14 A Can you repeat that question?  
 15 BY MR. DICELLO:  
 16 Q Yeah. If force is used that is unnecessary  
 17 under the totality of the circumstances, then that is  
 18 excessive force?  
 19 A Yes.  
 20 MR. PREGON: Objection.  
 21 A Yes, sir.  
 22 BY MR. DICELLO:  
 23 Q A corrections officer must never place a member  
 24 of the community who is in handcuffs in a prone position;

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1 agree or disagree or don't know?  
 2 MR. PREGON: Objection.  
 3 A Again, "prone" can mean a lot of things.  
 4 However, if an inmate is uncooperative while still in  
 5 cuffs, we can place them on the ground to -- to control  
 6 them.  
 7 BY MR. DICELLO:  
 8 Q Stating it a little bit differently, but a  
 9 similar question. Placing members of the community who  
 10 are in handcuffs, their hands cuffed behind their back, in  
 11 a prone position is never an acceptable practice; agree or  
 12 disagree?  
 13 MR. PREGON: Objection.  
 14 A Disagree.  
 15 BY MR. DICELLO:  
 16 Q Placing members of the community who are cuffed  
 17 with their hands cuffed behind their back in a prone  
 18 position is prohibited; do you disagree with that?  
 19 MR. PREGON: Objection.  
 20 A I disagree, sir. I've -- I've been through  
 21 many trainings, and I've never been told not to do that.  
 22 BY MR. DICELLO:  
 23 Q Have you ever read that in the jail manual, the  
 24 two statements I just read?

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1 A Not that I recall, sir.  
 2 Q If it's in there, you haven't seen it?  
 3 A Right.  
 4 Q And to be fair to you, if it's in the policies  
 5 and procedures, the County Sheriff should be training you  
 6 about it; right?  
 7 MR. PREGON: Objection.  
 8 A Correct.  
 9 BY MR. DICELLO:  
 10 Q And so to the extent you've told me today that  
 11 you haven't had training in these areas, that's because  
 12 the County Sheriff hasn't provided it to you; right?  
 13 MR. PREGON: Objection.  
 14 A I've had training in those areas, but never  
 15 have I been told not to do that.  
 16 BY MR. DICELLO:  
 17 Q Okay.  
 18 A Again, just because an inmate, or as you're  
 19 stating a member of the public, is cuffed doesn't mean  
 20 they're not still uncooperative or combative.  
 21 Q Have you ever read the Montgomery County Jail  
 22 manual?  
 23 A Yes, sir.  
 24 Q It uses the term "prone position." Are you

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1 aware of that?  
 2 A I was not aware of that.  
 3 Q Are you familiar with the policy on use of  
 4 restraints?  
 5 A Yeah.  
 6 Q Are you aware that that policy reads "When  
 7 applying handcuffs, staff members must never place  
 8 prisoners who are in restraints in prone positions?" Are  
 9 you aware it says that?  
 10 MR. PREGON: Objection.  
 11 Go ahead.  
 12 A Like I said, I don't ever recall seeing  
 13 "prone." But again, what does prone mean? I've been  
 14 trained --  
 15 BY MR. DICELLO:  
 16 Q Let me just ask you.  
 17 A Yes, sir.  
 18 Q Do you know whether or not "prone" is defined  
 19 in the policies or under Ohio law?  
 20 A Not that I'm aware of, sir.  
 21 Q Are you aware that this policy on use of  
 22 restraints for the Montgomery County Jail says that  
 23 placing prisoners who are in restraints in prone positions  
 24 is never acceptable?

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1 A I'm not aware of that.  
2 **Q That's not how they trained you; right?**  
3 MR. PREGON: Objection.  
4 Go ahead.  
5 A Correct.  
6 BY MR. DICELLO:  
7 **Q Are you aware that this policy says placing**  
8 **prisoners who are in restraints in prone positions is**  
9 **prohibited?**  
10 A Can you repeat that? I apologize.  
11 **Q Are you aware that this use of restraints**  
12 **policy in the Montgomery County Jail manual reads that**  
13 **placing prisoners who are in restraints in prone positions**  
14 **is prohibited?**  
15 A I was -- I was not aware that it stated that.  
16 **Q And that's the policy, you know, policies are**  
17 **something that is written down. What I'm getting at is**  
18 **the way that that policy is written is not how you were**  
19 **trained; correct?**  
20 A Correct.  
21 MR. PREGON: Objection.  
22 A Correct.  
23 BY MR. DICELLO:  
24 **Q So now I have a definition of prone restraint.**

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1 **I asked other people this, and you're going to have to**  
2 **bear with me, because it's a lengthy one. Prone**  
3 **restraint, do you agree, is all items or measures used to**  
4 **limit or control the movement or normal functioning of any**  
5 **portion or all of an individual's body while the**  
6 **individual is in a facedown position for an extended**  
7 **period of time? Do you understand that that's what prone**  
8 **restraint is?**  
9 MR. PREGON: Objection.  
10 Go ahead.  
11 A I wasn't under -- I -- I did not know that  
12 that's what that meant.  
13 BY MR. DICELLO:  
14 **Q I'm telling you that for the first time today;**  
15 **correct?**  
16 A Yes, sir.  
17 **Q Have you ever been trained in a concept called**  
18 **a transitional hold?**  
19 A No, sir. I don't know what transitional hold  
20 means.  
21 **Q Have you ever been told about a rule that is**  
22 **called the three-minute rule or a rule that says there's a**  
23 **risk of sud -- an elevated risk of sudden death after an**  
24 **inmate or a member of the public struggles with a**

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1 **corrections officer for at least three minutes?**  
2 MR. PREGON: Objection.  
3 Go ahead.  
4 A No, I'm not aware of that.  
5 BY MR. DICELLO:  
6 **Q As a rule, do you agree that corrections**  
7 **officers must never restrain people in ways that pose an**  
8 **unnecessary risk of death?**  
9 MR. PREGON: Objection.  
10 Go ahead.  
11 A Yeah, I agree. You don't ever want anyone to  
12 die due to putting them in cuffs.  
13 BY MR. DICELLO:  
14 **Q Because I think based on the rule, the other**  
15 **rules that we talked about about unnecessary and necessary**  
16 **force, restraining somebody in a way that puts them at an**  
17 **unnecessary risk of death is excessive force; true?**  
18 MR. PREGON: Objection.  
19 Go ahead.  
20 A Can you repeat that?  
21 BY MR. DICELLO:  
22 **Q Yeah. Restraining someone in a way that puts**  
23 **that person at an unnecessary risk of death is excessive**  
24 **force; correct?**

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1 MR. PREGON: Objection.  
2 Go ahead.  
3 A I -- I guess it just depends on the  
4 circumstance.  
5 BY MR. DICELLO:  
6 **Q Well, let's focus on it, then. Because I'm**  
7 **talking about circumstances where you're putting someone**  
8 **at an unnecessary risk of death. And we talked about**  
9 **unnecessary force being excessive force.**  
10 A Uh-huh.  
11 **Q So my question is: If you restrain a person in**  
12 **a way that puts that person at an unnecessary risk of**  
13 **death, that is, according to the rules we've been talking**  
14 **about, excessive force?**  
15 MR. PREGON: Objection.  
16 BY MR. DICELLO:  
17 **Q True?**  
18 MR. PREGON: Objection.  
19 Go ahead.  
20 A You make a true statement. But when you put  
21 somebody in restraints and they're combative still, you've  
22 got to control them for your safety and their safety.  
23 It's not like just, like I said before, just because you  
24 put somebody in cuffs that they're going to comply. What

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<p>1 if you get somebody in cuffs and -- Well, disregard,</p> <p>2 because I'm not asking you questions.</p> <p>3 But I guess my outlook is, okay, if I put</p> <p>4 somebody in cuffs and they're still combative and still</p> <p>5 not willing to cooperate, have I done them more harm now</p> <p>6 than trying to control their actions? Because what are</p> <p>7 they going to do?</p> <p>8 BY MR. DICELLO:</p> <p>9 <b>Q I guess that would come back to the rule of if</b></p> <p>10 <b>there's more than one way to restrain somebody, you want</b></p> <p>11 <b>to do it in the safest way possible; correct?</b></p> <p>12 MR. PREGON: Objection.</p> <p>13 A Correct. And I felt in this instance, we were.</p> <p>14 Being my personal opinion.</p> <p>15 BY MR. DICELLO:</p> <p>16 <b>Q If there are multiple ways to restrain an</b></p> <p>17 <b>inmate, even one who is not cooperative, do we agree that</b></p> <p>18 <b>corrections officers must choose the safer alternative?</b></p> <p>19 MR. PREGON: Objection.</p> <p>20 Go ahead.</p> <p>21 A Yes, sir.</p> <p>22 BY MR. DICELLO:</p> <p>23 <b>Q All right. That's one of the jobs of a</b></p> <p>24 <b>corrections officer; correct?</b></p> <p style="text-align: right;">Page 50</p>	<p>1 <b>Q Do you know whether or not the use of prone</b></p> <p>2 <b>restraint is prohibited in the state of Ohio?</b></p> <p>3 MR. PREGON: Objection.</p> <p>4 Go ahead.</p> <p>5 A I'm not aware of that at all, sir.</p> <p>6 BY MR. DICELLO:</p> <p>7 <b>Q Are you aware of any general rules that say as</b></p> <p>8 <b>soon as a suspect or subject is handcuffed, corrections</b></p> <p>9 <b>officers need to get that person off of his or her stomach</b></p> <p>10 <b>as soon as possible? Are you aware of that?</b></p> <p>11 A I'm not aware of that, sir.</p> <p>12 <b>Q There are some questions I think I know the</b></p> <p>13 <b>answer to, but I need to get it on the record, okay?</b></p> <p>14 A Understood, sir.</p> <p>15 <b>Q I appreciate your time. Bear with me. Because</b></p> <p>16 <b>we talked a little bit about positional asphyxia and you</b></p> <p>17 <b>told me what you knew and didn't know and we'll rely on</b></p> <p>18 <b>those answers.</b></p> <p>19 A Yes, sir.</p> <p>20 <b>Q Are you aware of any risk factors, any</b></p> <p>21 <b>characteristics about a person that put that person at an</b></p> <p>22 <b>increased risk of dying from positional asphyxia?</b></p> <p>23 MR. PREGON: Objection.</p> <p>24 Go ahead.</p> <p style="text-align: right;">Page 52</p>
<p>1 A Yes, sir.</p> <p>2 <b>Q And that's one of the rules that are supposed</b></p> <p>3 <b>to be followed; true?</b></p> <p>4 A Yes, sir.</p> <p>5 <b>Q Have you ever received any training that an</b></p> <p>6 <b>inmate or person's combativeness or uncooperativeness can</b></p> <p>7 <b>be the result of a medical condition?</b></p> <p>8 A Can you restate that again?</p> <p>9 <b>Q Yeah. Have you ever been trained that</b></p> <p>10 <b>someone's unwillingness to comply may be the result of a</b></p> <p>11 <b>medical condition?</b></p> <p>12 MR. PREGON: Objection.</p> <p>13 Go ahead.</p> <p>14 A Yes.</p> <p>15 BY MR. DICELLO:</p> <p>16 <b>Q Have you ever heard or been trained about</b></p> <p>17 <b>people who, when they can't breathe, struggle for air?</b></p> <p>18 A Yes.</p> <p>19 <b>Q Have you been trained or are you aware of any</b></p> <p>20 <b>research in your field, corrections I'm talking now,</b></p> <p>21 <b>Deputy, that has demonstrated that the prone restraint is</b></p> <p>22 <b>a hazardous and potentially lethal restraint position?</b></p> <p>23 A No, I haven't -- I haven't been trained that,</p> <p>24 sir.</p> <p style="text-align: right;">Page 51</p>	<p>1 A No.</p> <p>2 BY MR. DICELLO:</p> <p>3 <b>Q As a corrections officer, you were never</b></p> <p>4 <b>provided any training in terms of keeping an eye out for</b></p> <p>5 <b>risk factors that will increase someone's risk of dying</b></p> <p>6 <b>from positional asphyxia; correct?</b></p> <p>7 MR. PREGON: Objection.</p> <p>8 Go ahead.</p> <p>9 A Not dying, but injury.</p> <p>10 BY MR. DICELLO:</p> <p>11 <b>Q So what risk factors have you been trained</b></p> <p>12 <b>about to keep an eye out for people getting injured from</b></p> <p>13 <b>positional asphyxia?</b></p> <p>14 A Positional asphyxia, is that like the</p> <p>15 breathing? Is that what you're -- Is that what you keep</p> <p>16 referring to, is the breathing?</p> <p>17 <b>Q I'm really trying to understand what your</b></p> <p>18 <b>understanding of positional asphyxia is.</b></p> <p>19 A I feel like it's the breathing aspect. No, I</p> <p>20 don't feel like I've ever been trained that when I put</p> <p>21 somebody in cuffs, however I put them in cuffs could be</p> <p>22 the cause of them to stop breathing. However, you know,</p> <p>23 we're taught when we cuff somebody, hands behind their</p> <p>24 back, you know, if it's a large person, try to use two</p> <p style="text-align: right;">Page 53</p>

<p>1 cuffs, you don't want to damage any of the wrists, double</p> <p>2 gap check them, if you can fit two fingers between the</p> <p>3 cuff and the wrist, then that's perfect. I mean, I've</p> <p>4 been trained in stuff like that, sir. But again, I've</p> <p>5 also been trained that if you get somebody in cuffs and</p> <p>6 they're still not cooperating, you have to get them to</p> <p>7 cooperate so that we can get to the next step.</p> <p>8 <b>Q Have you ever been trained when somebody is</b></p> <p>9 <b>facedown or on their belly and they're cuffed behind their</b></p> <p>10 <b>back, have you ever been trained not to put pressure on</b></p> <p>11 <b>that person's back?</b></p> <p>12 A Yes. I think that's a major issue whenever we</p> <p>13 deal with uncooperative slash combative, is if we do get</p> <p>14 them in cuffs and on their back that we stay off of their</p> <p>15 back.</p> <p>16 <b>Q You mean cuffs and on their belly?</b></p> <p>17 A Yes.</p> <p>18 <b>Q Okay.</b></p> <p>19 A Sometimes -- Sometimes you have to put them on</p> <p>20 their belly to cuff them up. So it's not like -- it's</p> <p>21 like in Mr. Richardson, it's not like he was cuffed and</p> <p>22 then placed on his belly. He was placed on his belly so</p> <p>23 that we could cuff him.</p> <p>24 <b>Q And what's your understanding of why you want</b></p> <p style="text-align: right;">Page 54</p>	<p>1 THE WITNESS: I appreciate it.</p> <p>2 MR. DICELLO: Yeah.</p> <p>3 (Discussion held off the record.)</p> <p>4 BY MR. DICELLO:</p> <p>5 <b>Q All right. Deputy Wittman, we're back from a</b></p> <p>6 <b>short break. You filled out no Use of Force Reports in</b></p> <p>7 <b>connection with this incident; correct?</b></p> <p>8 A Correct.</p> <p>9 <b>Q Is that because no force was used?</b></p> <p>10 A I didn't feel like I used any force.</p> <p>11 <b>Q Did you feel that what you witnessed your</b></p> <p>12 <b>fellow corrections officers doing, did they use any force,</b></p> <p>13 <b>or no?</b></p> <p>14 MR. PREGON: Objection.</p> <p>15 Go ahead.</p> <p>16 A I couldn't answer that. I don't know. If the</p> <p>17 supervisor would have thought that I used force, he would</p> <p>18 have told me to complete one. So I'm assuming he would do</p> <p>19 the same for the other officers. And with that being</p> <p>20 said, if we feel like we use force, we're supposed to go</p> <p>21 to the supervisor and say, "Hey, this is what we did,</p> <p>22 should I fill out a Use of Force." So if you have a</p> <p>23 question, the supervisor will let you know, "Hey, this is</p> <p>24 what you need to do." And I didn't feel like I used</p> <p style="text-align: right;">Page 56</p>
<p>1 <b>to avoid putting pressure on someone's back when they're</b></p> <p>2 <b>facedown with their hands cuffed behind their back?</b></p> <p>3 A It's a sensitive area. It's the spine. The</p> <p>4 spine controls the body. We don't want to injure that for</p> <p>5 anybody.</p> <p>6 <b>Q What about -- I've looked at the video, and we</b></p> <p>7 <b>had Officer Mayes in here, and he told us where his hands</b></p> <p>8 <b>were positioned, you know, on his head and under his head.</b></p> <p>9 <b>Have you received any training that you shouldn't hold</b></p> <p>10 <b>down someone's head when they're in a prone position, or</b></p> <p>11 <b>is that okay to let come up?</b></p> <p>12 MR. PREGON: Objection.</p> <p>13 Go ahead.</p> <p>14 A If we have a seizure, we are trained to control</p> <p>15 the head so that they're not banging it on a concrete</p> <p>16 floor. So yeah, we've had training.</p> <p>17 BY MR. DICELLO:</p> <p>18 <b>Q Okay.</b></p> <p>19 A Yes, sir.</p> <p>20 MR. PREGON: We've been going an hour, do you</p> <p>21 want to take a quick break?</p> <p>22 THE WITNESS: Yeah, I could use a water break.</p> <p>23 If that's the okay.</p> <p>24 MR. DICELLO: Yeah.</p> <p style="text-align: right;">Page 55</p>	<p>1 force.</p> <p>2 BY MR. DICELLO:</p> <p>3 <b>Q You restrained Mr. Richardson; correct?</b></p> <p>4 A Yes, sir.</p> <p>5 <b>Q You restrained him against his freedom of</b></p> <p>6 <b>movement; correct?</b></p> <p>7 MR. PREGON: Objection.</p> <p>8 Go ahead.</p> <p>9 A Yeah, but it was for safety reasons.</p> <p>10 BY MR. DICELLO:</p> <p>11 <b>Q You put your hands on his body and held it</b></p> <p>12 <b>down, parts of his body; right?</b></p> <p>13 A Yes, sir.</p> <p>14 <b>Q And as far as you understand policies,</b></p> <p>15 <b>procedures, and the training you've received at the</b></p> <p>16 <b>Montgomery County Sheriff's Office, that does not amount</b></p> <p>17 <b>to a use of force; correct?</b></p> <p>18 A I didn't cause any injury, so no, sir.</p> <p>19 <b>Q Is it your understanding that only uses of</b></p> <p>20 <b>force that cause injury have to be reported?</b></p> <p>21 A No, not necessarily. However, I didn't -- I</p> <p>22 relieved somebody that was -- we were restraining him due</p> <p>23 to the resisting and the kicking and the -- What's the</p> <p>24 word I'm looking for? Due to the resisting. We were just</p> <p style="text-align: right;">Page 57</p>



<p>1 trying to calm him down enough to -- so that we could try</p> <p>2 to figure out, hey, what's going on with this inmate.</p> <p>3 <b>Q What was he resisting?</b></p> <p>4 A Well, he didn't want us -- We opened the door,</p> <p>5 he comes out, we don't know why he comes out. Usually if</p> <p>6 we open a door, an inmate will stand back. This is what's</p> <p>7 going on. He comes out, we don't know what he's going to</p> <p>8 do, so --</p> <p>9 <b>Q Well, let me stop you.</b></p> <p>10 A We don't know what he's resisting, but we know</p> <p>11 that he's not cooperating.</p> <p>12 <b>Q Cooperating with what?</b></p> <p>13 A With direction from us. We were trying to find</p> <p>14 out, hey, what is going on, why were we called here. And</p> <p>15 we couldn't get an answer.</p> <p>16 <b>Q So what were the directions given to</b></p> <p>17 <b>Mr. Richardson that you saw him not follow?</b></p> <p>18 A Well, when they went to cuff him, he wouldn't</p> <p>19 put his hands behind his back, and he was -- so he was</p> <p>20 resisting. And when we were asking, "Hey, what's going</p> <p>21 on," he wasn't answering. He was just telling us to get</p> <p>22 off of him.</p> <p>23 <b>Q Do you know if he was able to answer those</b></p> <p>24 <b>questions?</b></p> <p style="text-align: right;">Page 58</p>	<p>1 <b>When a corrections officer escorts, I'll use</b></p> <p>2 <b>that word, escorts someone to the ground for purposes of</b></p> <p>3 <b>putting handcuffs on them behind their back, is that a use</b></p> <p>4 <b>of force?</b></p> <p>5 A It should be.</p> <p>6 MR. PREGON: Objection.</p> <p>7 Go ahead.</p> <p>8 A It should be.</p> <p>9 BY MR. DICELLO:</p> <p>10 <b>Q And it should be reported on a Use of Force</b></p> <p>11 <b>Report; correct?</b></p> <p>12 A Yes.</p> <p>13 MR. PREGON: Objection.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 A Yes, sir.</p> <p>16 BY MR. DICELLO:</p> <p>17 <b>Q Did you ever hear Robert groaning or moaning?</b></p> <p>18 A I don't recall. Can I refer back?</p> <p>19 <b>Q Sure.</b></p> <p>20 A (Reviewing document.)</p> <p>21 No, I don't recall, sir.</p> <p>22 <b>Q Did you see Medic Stockhauser there when you</b></p> <p>23 <b>were there?</b></p> <p>24 A Yes, sir.</p> <p style="text-align: right;">Page 60</p>
<p>1 A I mean, he -- I heard him speak words, so I</p> <p>2 would assume he would, he was able to.</p> <p>3 <b>Q That's an assumption you made?</b></p> <p>4 A Yes, sir. Yes.</p> <p>5 <b>Q When you just testified a moment ago, you said,</b></p> <p>6 <b>"When we opened the door, he came out of the cell." You</b></p> <p>7 <b>weren't there when the door was opened, were you?</b></p> <p>8 A No, sir. When I said "we," I meant us as the</p> <p>9 units that responded. I apologize. But I meant as a</p> <p>10 sheriff's office employee.</p> <p>11 <b>Q And I just had the opportunity to depose</b></p> <p>12 <b>Corrections Officer Johnson, who was the first person on</b></p> <p>13 <b>the scene other than Officer Benjamin, and he testified in</b></p> <p>14 <b>this case already that Mr. Richardson was sitting on the</b></p> <p>15 <b>ground when he went hands-on with him. Were you aware of</b></p> <p>16 <b>that?</b></p> <p>17 A No, I wasn't, sir.</p> <p>18 <b>Q It's your understanding that Mr. Richardson had</b></p> <p>19 <b>walked out of his cell and not complied from the onset;</b></p> <p>20 <b>right?</b></p> <p>21 A Yes, sir. I don't -- Like I said, when I got</p> <p>22 there, they were already trying to cuff him on the ground,</p> <p>23 so -- So yeah, I was unaware of that. So I apologize.</p> <p>24 <b>Q That's all right.</b></p> <p style="text-align: right;">Page 59</p>	<p>1 <b>Q Did you see Medic Stockhauser trying to</b></p> <p>2 <b>administer oxygen?</b></p> <p>3 A I do believe he was trying to administer</p> <p>4 oxygen.</p> <p>5 <b>Q Did that then cause you to think that there was</b></p> <p>6 <b>some concern over this inmate's ability to breathe?</b></p> <p>7 A Yeah. Yeah.</p> <p>8 <b>Q Did you ever see a spit hood ever brought to</b></p> <p>9 <b>the scene?</b></p> <p>10 A No, I don't recall.</p> <p>11 <b>Q Officer Mayes testified earlier that he could</b></p> <p>12 <b>hear Robert Richardson saying, "I need out." Did you ever</b></p> <p>13 <b>hear him say that?</b></p> <p>14 A I did not, sir. Mayes was with him a lot</p> <p>15 longer than I was.</p> <p>16 <b>Q And Steven Stockhauser in his narrative</b></p> <p>17 <b>indicated that Mr. Richardson was very sweaty. Do you</b></p> <p>18 <b>remember that at all, or no?</b></p> <p>19 A I don't recall. I know a lot of the officers</p> <p>20 were as well.</p> <p>21 <b>Q Were sweaty?</b></p> <p>22 A Yes.</p> <p>23 <b>Q Because of the struggle?</b></p> <p>24 A Yes.</p> <p style="text-align: right;">Page 61</p>

1 MR. PREGON: Objection.  
 2 BY MR. DICELLO:  
 3 **Q Inmate Richardson, according to**  
 4 **Mr. Stockhauser's narrative, kept yelling, "I want loose,"**  
 5 **and "Get out of here." Do you remember hearing**  
 6 **Mr. Richardson say either of those things?**  
 7 A No, sir. I didn't report it, so I don't  
 8 recall.  
 9 **Q Do you remember him saying that he couldn't**  
 10 **breathe?**  
 11 A No.  
 12 **Q Did you have your hands on him when he -- some**  
 13 **people have described it as stopped resisting or went limp**  
 14 **or --**  
 15 A I think I did, sir.  
 16 **Q Did you feel that moment in time where he --**  
 17 **his body just kind of quit?**  
 18 MR. PREGON: Objection.  
 19 Go ahead.  
 20 A I don't recall it just quitting. I do recall I  
 21 was holding him, one of the sergeants advised to check the  
 22 breathing. And again, I -- at this point, he wasn't  
 23 resisting, so I was kind of like -- I wasn't -- I had my  
 24 hands on him, but I wasn't like putting pressure or

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1 anything. And at some point one of the officers checked  
 2 the breathing, indicates to the sergeant that he was not  
 3 breathing. And then when the sergeant advised us to start  
 4 CPR, that's when I got off and went and got the AED.  
 5 BY MR. DICELLO:  
 6 **Q The AED.**  
 7 A So my first situation in an incident like this.  
 8 So holding him, it didn't feel any different than when I  
 9 first was restraining him.  
 10 **Q You told me that you were holding -- when you**  
 11 **relieved Stumpff, you were holding Mr. Richardson's left**  
 12 **arm?**  
 13 A I believe that's what --  
 14 **Q Correct?**  
 15 A I believe that's, you know, what I reported.  
 16 **Q I know you have a memory about the leg, but --**  
 17 A I don't know why I think the leg.  
 18 **Q That's okay.**  
 19 A But yeah, it would have been the arm.  
 20 **Q And this is going to be a little awkward, but**  
 21 **were you holding his arm against the ground?**  
 22 A I don't recall, because I know he's a big guy.  
 23 I know at some point they put him to the side. And then  
 24 -- So I don't recall. I don't recall. I'd have to see

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1 the video.  
 2 MR. PREGON: Hit the lights?  
 3 MR. DICELLO: Yeah, if you don't mind.  
 4 BY MR. DICELLO:  
 5 **Q We'll wait for your counsel to come back. When**  
 6 **he hits the lights, it's easier to see, Deputy.**  
 7 **We're looking at 13:58. Do you see yourself in**  
 8 **this frame? Can you tell?**  
 9 A I can't tell if that's me or Stumpff. I can't  
 10 tell yet. Sorry.  
 11 **Q That's all right.**  
 12 A It looks like it's Stumpff.  
 13 **Q So at 14:03, that hairline tells you it's still**  
 14 **Stumpff. We won't tell him that.**  
 15 MR. PREGON: Objection.  
 16 A I can tell by my hairline as well.  
 17 BY MR. DICELLO:  
 18 **Q All right. Maybe just see when you come in.**  
 19 **Do you know who this is that just entered at 14:13?**  
 20 A Officer Limmer.  
 21 **Q That's Limmer?**  
 22 A Yes. I can tell by his hairline as well.  
 23 **Q All right. Just stopping it at 14:25.**  
 24 **Mr. Richardson isn't on his side there, is he?**

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1 A No, he doesn't appear to be, no.  
 2 **Q So he's laying on his belly?**  
 3 A Yes, sir.  
 4 **Q And we'll let this play. If you see yourself**  
 5 **come in, let me know.**  
 6 A Yes, sir. Do you mind if I turn it a little  
 7 bit?  
 8 **Q No, no. It's more important that you see it**  
 9 **than me.**  
 10 A I apologize.  
 11 **Q When you were there watching this or at some**  
 12 **point when you relieved Stumpff, was there an officer**  
 13 **straddling Mr. Richardson's lower body?**  
 14 A I don't recall straddling. Basically doing  
 15 what this officer is doing. He's making sure his head is  
 16 on his side.  
 17 **Q So we're now past 15:10. Still don't see you**  
 18 **yet; right?**  
 19 A Yes, sir, I don't see me.  
 20 **Q Do you know who that is right there?**  
 21 A Officer Beach, who is now also a deputy.  
 22 **Q Do you know if Officer Beach was straddling**  
 23 **Mr. Richardson's lower body?**  
 24 A I don't think he was straddling, no, sir. I

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1 think he was just to the side. But I don't recall.  
2 **Q You can see an officer's hand on**  
3 **Mr. Richardson's back here at 15:46; right?**  
4 MR. PREGON: Objection.  
5 A He looks like he's, yeah, touching him. But it  
6 doesn't look like he's putting very much pressure on it.  
7 Looks like there I am right there.  
8 BY MR. DICELLO:  
9 **Q 15:57?**  
10 A You can see my arm.  
11 **Q Okay.**  
12 A I believe that's me. Yep, that's me. I can  
13 tell by the hairline.  
14 **Q So now you've entered about 16:05, 06, 07, 08?**  
15 A I don't know where I'm at now.  
16 **Q Is that you standing up still there?**  
17 A That's Limmer. I'm out of the picture now.  
18 **Q Okay.**  
19 A I might be over here with Stockhauser. Still  
20 Officer Stumpff.  
21 **Q We're at 18:19. Do you see yourself?**  
22 A I can't tell if that's me or not. I apologize.  
23 **Q That's all right.**  
24 A It looks like it is me. This -- This looks

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1 like it would be Stumpff. So that looks like it would be  
2 me, sir.  
3 **Q So at some point, you --**  
4 A I think it is. I can't tell.  
5 **Q Yeah, it's not --**  
6 A That looks like Stumpff still.  
7 **Q So at 17:28, you still think that's Stumpff.**  
8 **Mr. Richardson at 17:32 is --**  
9 A Okay. That -- That looks like -- No, that's me  
10 right there. So at some point, I walk around.  
11 **Q Walk around?**  
12 A Probably to say, "Hey, sergeant, what do you  
13 want me to do."  
14 **Q So at 17:34, you're now on the left side of**  
15 **sergeant?**  
16 A That would be Sergeant Lewis. So I would have  
17 to walk all the way around to get over there.  
18 **Q This is 17:34. I mean, Mr. Richardson isn't on**  
19 **his side there, is he?**  
20 MR. PREGON: Objection.  
21 A I don't see him on his side.  
22 BY MR. DICELLO:  
23 **Q He's on his belly; right?**  
24 MR. PREGON: Objection.

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1 A He appears to be.  
2 MR. DICELLO: What's the basis of those  
3 objections?  
4 MR. PREGON: I don't know if he can tell that  
5 or not.  
6 MR. DICELLO: He can answer that, then. If  
7 it's form or foundation, that's fine.  
8 BY MR. DICELLO:  
9 **Q Well, you understand the question, right?**  
10 A Yes, sir.  
11 **Q If you don't understand it, you let me know,**  
12 **okay?**  
13 A Okay.  
14 **Q You know you're not supposed to change your**  
15 **answers when your lawyer objects; right?**  
16 A Right. Yes, sir.  
17 **Q You're not doing that today, are you?**  
18 A No, sir.  
19 **Q Because that would be inappropriate; right?**  
20 A Yes, sir.  
21 It looks like I'm relieving Stumpff there.  
22 **Q So at about 17:48, 17:49, it looks like when**  
23 **you relief Stumpff?**  
24 A Yes, sir.

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1 **Q Again, Mr. Richardson doesn't appear to be on**  
2 **his side there, does he?**  
3 MR. PREGON: Objection.  
4 A I can't tell. It doesn't appear.  
5 BY MR. DICELLO:  
6 **Q It doesn't appear?**  
7 A Right.  
8 **Q Does Mr. Richardson appear to be struggling at**  
9 **18:10, 11, 12 to you?**  
10 A I can see his back, but I can't see his arms.  
11 So I don't know.  
12 **Q Is this pretty much the position that**  
13 **Mr. Richardson is in until the time he dies?**  
14 A I can't recall. I'd have to see the rest of  
15 this video. It looks like that was a nurse giving him the  
16 second shot.  
17 **Q At 18:40?**  
18 A Yeah.  
19 **Q And are you seeing Mr. Richardson moving at**  
20 **all?**  
21 A Again, I can't tell. I can just see, you know,  
22 his back.  
23 **Q Another hand on his back right now; right?**  
24 A Yeah. Not much pressure. It looks like he's

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1 just touching him.

2 **Q Is it your testimony that as of 19:10, 11,**

3 **Mr. Richardson is still struggling with you guys?**

4 A I can't tell. I just see his back. So I don't

5 know. You can't see his arms or his legs or even his

6 head. The officer is blocking it. So --

7 **Q What position does Mr. Richardson look to be in**

8 **now at 19:50?**

9 A Same position.

10 **Q That you described before?**

11 A Yes.

12 **Q Now at 20:15, Mr. Richardson still appears to**

13 **be on his belly?**

14 MR. PREGON: Objection.

15 A Yes.

16 BY MR. DICELLO:

17 **Q Excuse me?**

18 A Yes. Sorry.

19 **Q This looks like Officer Mayes right here with**

20 **his left hand on the railing. Do you remember him posting**

21 **up on the railing at all?**

22 A I -- No, I wasn't paying attention to him.

23 **Q All right. So we're now approaching 21**

24 **minutes. Does Mr. Richardson still appear to be in the**

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1 **same position that you described before?**

2 A Yes.

3 **Q Do you see this officer on the left, this**

4 **officer in the front?**

5 A Yes, sir.

6 **Q Remind me of who that is again.**

7 A I believe it's Officer Marshall.

8 **Q Did you ever see Officer Marshall putting his**

9 **knee on the back right shoulder area?**

10 A No, sir. Again, I wasn't paying attention to

11 him. So I can't recall.

12 **Q Looking at 21:14, does it look like that's**

13 **where his knee is?**

14 A No, honestly it looks like it's in the air. It

15 looks like he's putting all his weight on his other knee

16 and this is in the air.

17 **Q Okay.**

18 A It doesn't appear to me to be on the back.

19 **Q So what is your understanding of what this**

20 **officer is doing now?**

21 A He's just got his hand, like I said, maybe --

22 maybe the inmate stopped resisting, which is why they're

23 posted up there. And it looks like he's just got his hand

24 probably just on his -- I guess that would be his right

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1 arm. And he's putting all the pressure on his other knee.

2 So it doesn't look like -- It looks like the situation is

3 beginning to de-escalate. To me. Per the officers.

4 **Q You're still in your same position?**

5 A Yes.

6 **Q Kind of behind Officer Mayes there?**

7 A Yes, it appears to be, yes, sir.

8 **Q Have you seen anybody check on his breathing**

9 **yet?**

10 A I couldn't tell if he was doing it. He leaned

11 down closer a moment ago. And it looks like he's leaning

12 closer again.

13 **Q There. We definitely have at 22:15-ish, he's**

14 **definitely checking there.**

15 A Yeah.

16 **Q Is that Officer Mayes?**

17 A No, Mayes is here. This is Stumpff.

18 **Q Stumpff is checking the breathing?**

19 A Yes, sir.

20 **Q And do you see the position you're in?**

21 A Right here, sir, yes.

22 **Q Do you have your hands on his arm, on**

23 **Mr. Richardson's arm?**

24 A Probably. I can't tell. I know one of my arms

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1 is on there. I can't tell if this one is resting on my

2 leg or if it's on his arm.

3 **Q So at 22:18, it looks like at least your right**

4 **arm is on Mr. Richardson's left arm; correct?**

5 A Yes, it does.

6 (Discussion held off the record.)

7 (Ms. Jagielski and Sergeant Lewis enter the room.)

8 BY MR. DICELLO:

9 **Q So we're at 22:18. It looks like you're on**

10 **your knees; correct? And you're looking down toward the**

11 **ground; correct?**

12 A Yes.

13 **Q And you said you're not sure where your left**

14 **arm is. But it looks like your right arm has your hand on**

15 **Mr. Richardson's arm?**

16 A Yeah.

17 **Q And so fair to say, at least in the position**

18 **Mr. Richardson is in now, Mr. Richardson's left arm would**

19 **be on the ground?**

20 A Yes.

21 **Q And it looks like you're holding it on the**

22 **ground?**

23 A Yes, it does.

24 **Q And so if Mr. Richardson's left arm is on the**

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<p>1 ground, he's not rolled up on his side, he's on his belly</p> <p>2 now; right?</p> <p>3 A Yeah, appears to be.</p> <p>4 Q Were you there when the doc came in and</p> <p>5 declared Mr. Richardson deceased?</p> <p>6 A Oh, God, I can't remember. I think -- I can't</p> <p>7 remember. I remember the doc being there, but I can't</p> <p>8 remember if she declared him deceased or not.</p> <p>9 Q Do you remember learning that Mr. Richardson</p> <p>10 had died?</p> <p>11 A Yes.</p> <p>12 Q When and where?</p> <p>13 A I can't remember. I can't remember. I know</p> <p>14 the medics came -- I said medics. I meant Dayton Fire</p> <p>15 came and basically took over the CPR.</p> <p>16 Q Did any investigator ever come interview you</p> <p>17 after this happened?</p> <p>18 A No.</p> <p>19 Q Did that surprise you?</p> <p>20 A No, it didn't.</p> <p>21 Q Did anyone ever inform you how Mr. Richardson</p> <p>22 died?</p> <p>23 A I think I ended up finding out he had a heart</p> <p>24 attack.</p> <p style="text-align: right;">Page 74</p>	<p>1 having a heart attack, it wouldn't be -- the safest thing</p> <p>2 for Mr. Richardson wouldn't be to hold him down on the</p> <p>3 ground; right?</p> <p>4 MR. PREGON: Objection.</p> <p>5 A Yeah, right. It wouldn't be.</p> <p>6 BY MR. DICELLO:</p> <p>7 Q Have you undergone any additional training as a</p> <p>8 result of Mr. Richardson's death?</p> <p>9 A No. Just the same first aid CPR training that</p> <p>10 we do yearly and we do -- I'm a deputy now, so I do three</p> <p>11 different phase trainings. We do shooting scenarios, we</p> <p>12 do, again, first aid CPR scenarios, resisting scenarios.</p> <p>13 We do everything you can think of.</p> <p>14 Q Did you undergo any retraining as a result of</p> <p>15 the specific incident that we're here about today?</p> <p>16 A No. Just the continued training that the</p> <p>17 sheriff's office offers, sir.</p> <p>18 Q As far as you understood the policies and the</p> <p>19 procedures and the training that you received and that</p> <p>20 were in place at the Montgomery County Jail as of May</p> <p>21 2012, the manner in which the corrections officers handled</p> <p>22 Mr. Richardson complied with all those policies and</p> <p>23 procedures; correct?</p> <p>24 A I believe so, yes, sir.</p> <p style="text-align: right;">Page 76</p>
<p>1 Q Do you remember how you found that out?</p> <p>2 A Through this.</p> <p>3 Q Through the lawsuit?</p> <p>4 A Yes.</p> <p>5 Q So prior to the lawsuit being filed --</p> <p>6 A Yes.</p> <p>7 Q Let me finish the question.</p> <p>8 A Sorry.</p> <p>9 Q Prior to the lawsuit being filed, no one</p> <p>10 informed you how Mr. Richardson died; correct?</p> <p>11 A That's correct.</p> <p>12 Q While you were kneeling next to him or standing</p> <p>13 next to Mr. Richardson, did you ever have any concerns</p> <p>14 that he might be suffering a heart attack?</p> <p>15 A I had no concerns, sir. This was my first time</p> <p>16 in a situation where somebody had lost their life. So I</p> <p>17 didn't know what was going on.</p> <p>18 Q If Mr. Richardson was in the throws of a heart</p> <p>19 attack, he needed emergency medical care; true?</p> <p>20 MR. PREGON: Objection.</p> <p>21 A Yeah. Anybody suffering from a heart attack</p> <p>22 would need emergency medical care.</p> <p>23 BY MR. DICELLO:</p> <p>24 Q And at that point in time, if he really was</p> <p style="text-align: right;">Page 75</p>	<p>1 Q All right. If -- I know you're not a</p> <p>2 corrections officer anymore, but if faced with the same</p> <p>3 circumstances following May 19th, 2012 as a corrections</p> <p>4 officer, you would have gone about handling it the same</p> <p>5 way; correct?</p> <p>6 MR. PREGON: Objection.</p> <p>7 A Yes, sir.</p> <p>8 BY MR. DICELLO:</p> <p>9 Q Given the number of officers --</p> <p>10 (Phone beeping.)</p> <p>11 BY MR. DICELLO:</p> <p>12 Q If you have to take that, go ahead.</p> <p>13 A No, sir.</p> <p>14 Q I'm almost done here, Deputy.</p> <p>15 Given the number of officers that you described</p> <p>16 were around, I think you said you felt that you had</p> <p>17 control of the situation. Is that what you said?</p> <p>18 A Yes, sir.</p> <p>19 Q And given that Mr. Richardson was handcuffed</p> <p>20 and on the ground, I think you told us you didn't feel</p> <p>21 that Mr. Richardson posed an immediate threat to your</p> <p>22 safety; correct?</p> <p>23 A No. Due to all the officers that were there, I</p> <p>24 mean, we even had some standing by to relieve each other.</p> <p style="text-align: right;">Page 77</p>

<p>1       <b>Q Mr. Richardson had been incapacitated at that</b>  2 <b>point; correct?</b>  3       MR. PREGON: Objection.  4       A I mean, yeah, we -- we had him secured and  5 ready for the next step.  6 BY MR. DICELLO:  7       <b>Q So did you say yes, he had been incapacitated?</b>  8       MR. PREGON: Objection.  9       A Yeah. I mean, he wasn't going anywhere.  10 BY MR. DICELLO:  11       <b>Q And he was bound with handcuffs at that point;</b>  12 <b>right?</b>  13       A He had handcuffs on him, yes, sir.  14       <b>Q All right. Are you aware of any training</b>  15 <b>bulletins or policies, procedures, or any training</b>  16 <b>modalities, classes that you've ever had that addressed</b>  17 <b>sudden in-custody death?</b>  18       A Yeah. I mean, we -- we know that -- in the  19 back of our mind, especially with medical issues, we know  20 that that's a possibility, and we are trained to -- to --  21 to do what we can to not let that happen.  22       <b>Q So this may be the obvious question that I</b>  23 <b>didn't ask you. But why did you have to hold him down?</b>  24       A Again, he was resisting, combative, and he was</p> <p style="text-align: right;">Page 78</p>	<p>1       A Yeah, but not before. I had no idea.  2       <b>Q During your time at the jail, was that a</b>  3 <b>problem, not a problem, where inmates were somehow getting</b>  4 <b>drugs like marijuana into the facility?</b>  5       A Unfortunately, it's a problem we go through  6 everyday, so -- They sneak it in in some way, shape, or  7 form.  8       <b>Q Okay.</b>  9       A You can't catch everybody.  10       <b>Q Part of the correction officers' jobs,</b>  11 <b>collectively, is to prevent contraband and things like</b>  12 <b>that from entering the facility; correct?</b>  13       A Yes, sir.  14       <b>Q But because I think you just told us you can't</b>  15 <b>catch it all --</b>  16       A Correct.  17       <b>Q -- when you're responding to somebody who is</b>  18 <b>behaving in a way that Mr. Richardson was, do you have to</b>  19 <b>consider that maybe drugs are involved?</b>  20       A Absolutely. In fact, I think that's something  21 that we were concerned about. We thought that maybe he  22 did ingest some kind of drug. Because the behavior went  23 from zero to a hundred, you know. So we just assumed  24 maybe it was drug related.</p> <p style="text-align: right;">Page 80</p>
<p>1 a bigger -- a bigger guy. So it's what everyone else was  2 doing, that's what I was doing. We didn't want him  3 getting up.  4       <b>Q Why not?</b>  5       A Due to the combativeness and the  6 uncooperativeness. We didn't know what -- We were trying  7 to hold him down to figure out what, if anything, was  8 wrong. And like I said, the -- we were hoping to get him  9 into the restraint chair so that we could assess him  10 medically, you know, so that we could try to care for him  11 and help him out with whatever he was going through.  12       <b>Q Is there an elevator that can get the restraint</b>  13 <b>chair up to that level?</b>  14       A Yes. Or excuse me. Not in the pod.  15       <b>Q Not in the pod?</b>  16       A No, sir.  17       <b>Q The only way to get up to that level of the pod</b>  18 <b>is to go up the stairs?</b>  19       A Yes, sir.  20       <b>Q Did you ever come to learn that Mr. Richardson</b>  21 <b>had ingested marijuana during his period of detention at</b>  22 <b>the Montgomery County Jail?</b>  23       A I -- Yeah. Just through this process.  24       <b>Q Just through the lawsuit?</b></p> <p style="text-align: right;">Page 79</p>	<p>1       <b>Q I don't understand what you mean by "zero to a</b>  2 <b>hundred." Because the facts as I understand them based on</b>  3 <b>the testimony in this case so far is Mr. Richardson was on</b>  4 <b>the ground and never got back up until the time he died.</b>  5       A Understood. But I saw resisting, and that's  6 what I was --  7       <b>Q Okay.</b>  8       A That's what I meant by that. I apologize.  9       <b>Q That's all right. Deputy, thanks for your</b>  10 <b>time.</b>  11       A Thank you.  12       <b>Q I appreciate it.</b>  13       A Thank you.  14       <b>Q Have a nice day.</b>  15       MR. PREGON: We're not going to waive  16 signature.  17       -- --  18       (Signature not waived.)  19       -- --  20       And, thereupon, the deposition was concluded at  21 2:42 p.m.  22       -- --  23  24</p> <p style="text-align: right;">Page 81</p>

<p>1 December 3, 2015</p> <p>2 Dear Mr. Wittman,</p> <p>3 You have chosen to read and sign your transcript.</p> <p>4 Please do not mark on the transcript. Any</p> <p>5 corrections/changes you may desire to make in your</p> <p>6 testimony should be typewritten or printed on the errata</p> <p>7 sheet at the end of testimony, giving the page number,</p> <p>8 line number and desired correction/change. After you have</p> <p>9 read the transcript, sign your name on the correction</p> <p>10 sheet and where indicated at the close of testimony before</p> <p>11 a notary public.</p> <p>12 The Rules of Civil Procedure allow thirty days for</p> <p>13 you to read and sign. Please return the signature page</p> <p>14 and errata sheet to Whitney Layne, 6723 Cooperstone Drive,</p> <p>15 Dublin, Ohio 43017 within that time. Failure to do so in</p> <p>16 the allotted time will result in your transcript being</p> <p>17 used as though read and signed by you.</p> <p>18</p> <p>19 Sincerely,</p> <p>20 _____</p> <p>21 Whitney Layne</p> <p>22 Professional Reporter</p> <p>23</p> <p>24 Cc:</p> <p>25 Nick DiCello</p> <p>26 Carrie Starts</p> <p>27 Jamey Pregon</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>Page 82</p>	
<p>1 State of _____</p> <p>2 County of _____</p> <p>3 I, ANDREW WITTMAN, do hereby certify that I have</p> <p>4 read the foregoing transcript of my deposition given on</p> <p>5 November 17, 2015; that together with the correction page</p> <p>6 attached hereto noting changes in form or substance, if</p> <p>7 any, it is true and correct.</p> <p>8 _____</p> <p>9 ANDREW WITTMAN</p> <p>10 I do hereby certify that the foregoing transcript</p> <p>11 of the deposition of ANDREW WITTMAN was submitted to the</p> <p>12 witness for reading and signing; that after he had stated</p> <p>13 to the undersigned Notary Public that he had read and</p> <p>14 examined his deposition, he signed the same in my presence</p> <p>15 on the ____ day of _____, 2015.</p> <p>16 _____</p> <p>17 Notary Public</p> <p>18 My Commission Expires on _____</p> <p>19 - - -</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 83</p>	



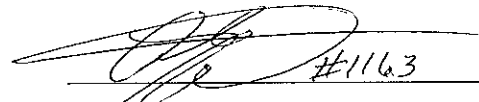
1 State of OHIO

2 County of MONTGOMERY

3 I, ANDREW WITTMAN, do hereby certify that I have  
4 read the foregoing transcript of my deposition given on  
5 November 17, 2015; that together with the correction page  
6 attached hereto noting changes in form or substance, if  
7 any, it is true and correct.

8

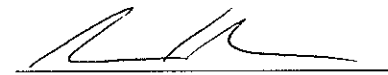
9

  
ANDREW WITTMAN

10 I do hereby certify that the foregoing transcript  
11 of the deposition of ANDREW WITTMAN was submitted to the  
12 witness for reading and signing; that after he had stated  
13 to the undersigned Notary Public that he had read and  
14 examined his deposition, he signed the same in my presence  
15 on the 31<sup>ST</sup> day of DECEMBER, 2015.

16

17

  
Notary Public

18 My Commission Expires on MAY 2, 2018

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ROSCO S. BENSON, Notary Public  
In and for the State of Ohio  
My Commission Expires May 2, 2018

1 TO THE REPORTER:

2 I have read the entire transcript of my deposition taken  
3 on the 31<sup>ST</sup> day of DECEMBER, 2015, or the same has been  
4 read to me. I request that the following changes be  
5 entered upon the record for the reasons indicated.

6

7 Page Line Correction and reason therefore

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Date 12/31/2015

Signature

#1163

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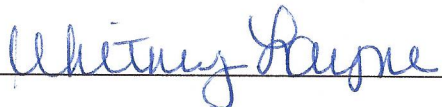
CERTIFICATE

State of Ohio :

County of Franklin:

I, Whitney Layne, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named ANDREW WITTMAN was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotype in the presence of said witness; afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Dublin, Ohio, on this 3rd day of Decemer, 2015.



Whitney Layne, Notary Public

In and for the State of Ohio

My Commission expires May 4, 2020

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